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Minutes

BBRS Building Code Appeals Board (BCAB)

Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

Meeting Date: January 8, 2015

Meeting Time: 9:30 a.m.

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

Board Members Present:

Sandy MacLeod

Harry Smith, Chairman

Jake Nunnemacher

Board Members Not Present:

None

There were seven (7) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 12:10 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

Guests Present:

See sign-in sheet for each case.

2. Meeting minutes from November 25, 2014 approved.
3. **Case Number:** 14-1461
Appellant: Nathan Birmingham for the MBTA
Address of Property: MBTA Downtown Crossing, Boston, MA.
Summary of Case: This appeal concerned a variance to 780 CMR (*The State Building Code, Eighth Edition*) 35.00 & 2010 NFPA 130, Section 5.5.6.2 & NFA 130, Section 5.5.1.4.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **GRANT** a variance from 2010 NFPA 130, Section 5.5.6.2 & 2010 NFPA 130 Section 5.5.1.4 both referenced through 780 CMR 35.00 based on the hardship & the unusual conditions that they have in this existing building and with the additional design that they have provided through Code Red Consultants. This is also granted because of the fact that both Boston ISD and the state inspector are not opposed.

4. **Case Number:** 14-1462
Appellant: Thomas J. Canavan, Esq. for Jake & Mindy White
Address of Property: 34 Roy Street, Fall River, MA. 02720
Summary of Case: This appeal concerned a variance to IBC 2009 (*International Building Code*) Section 310.1

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **Take under Advisement and seek legal counsel**. It is also noted that if this is an unsafe existing structure which the building official has alleged then he has the ability to go in there under Chapter 1 and to order such safety issues to be resolved.

Case Number: 14-1464
Appellant: F. Sydney Smithers, Esq. for Munro Muffler
Address of Property: 440 Merrill Road, Pittsfield, MA. 01201
Summary of Case: This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Table 903.2, Note g.

List of Exhibits:

- Exhibit 1.** Application dated December 3, 2014.
Exhibit 2. 2 pages of drawings & racks.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **DENY** the request for a variance to 780 CMR Table 903.2, Note g based on the fact that the reference to citation 704.2.2., is for the work area method; the architect used their performance based method therefore he cannot use citation 7.4.2.2.

5. **Case Number:** 14-1465
Appellant: Matthew MacEachern for Jonathan Raith
Address of Property: 14 Easy Street, Nantucket, MA. 02554
Summary of Case: This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Section 104.10, & Section 1609.1.2

List of Exhibits:

- Exhibit 1.** Application dated December 11, 2014.
Exhibit 2. Storm action plan by GC Jonathan Raith, 1 page.
Exhibit 3. Storm action plan form submitted by building commissioner, 1 page.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **GRANT a variance to 780 CMR Section 1609.1.2 (exception #1)** for the hardship that the appellant has testified that he cannot get an appropriate window that meets the code requirements and satisfies the Nantucket Historical District. **This variance is contingent on the appellant provide a storm action plan to the building commissioner as submitted in Exhibit #3. These will also be stored on site as testified by the appellant.**

8. The meeting adjourned at 12:10 p.m.